United Nations CRC/C/OPAC/EST/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Estonia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the report of Estonia (CRC/C/OPAC/EST/1) at its 2169th meeting (see CRC/C/SR.2169), held on 19 January 2017, and adopted the present concluding observations at its 2193rd meeting, held on 3 February 2017.

I. Introduction

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/EST/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined second to fourth periodic reports submitted by the State party under the Convention on the Rights of the Child (CRC/C/EST/CO/2-4), adopted on 3 February 2017.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party of, among others, the Arms Trade Treaty, in April 2014.

5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The amendment to the Penal Code criminalizing the recruitment of children in the armed forces or their engagement in acts of war, which entered into force on 1 January 2015;

(b) The declaration that the minimum age for voluntary recruitment is 18 years, which was made at the time of the ratification of the Optional Protocol.

* Adopted by the Committee at its seventy-fourth session (16 January-3 February 2017).

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III. General measures of implementation

Dissemination and awareness-raising

6. While noting the information provided by the State party that the topic of child soldiers and other relevant issues are included in the mandatory social education course in upper secondary schools, the Committee is concerned that the State party has not widely disseminated information about the principles and provisions of the Optional Protocol among the members of the armed forces and the general public, including children and their families.

7. **Pursuant to article 6 (2) of the Optional Protocol, the Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the armed forces, the public at large, in particular children, including through greater involvement of the media in awareness-raising programmes.**

Training

8. The Committee is concerned about the insufficient training on children's rights and the provisions of the Optional Protocol in the course curricula for military and law enforcement personnel, including those involved in peacekeeping operations.

9. **The Committee recommends that the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and immigration officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local and district officials.**

Data

10. The Committee is concerned about the limited availability of data relating to nationality, region and ethnicity of the children subject to the national defence obligation and the inadequate data collected on asylum-seeking, refugee, migrant and unaccompanied children entering the State party who may have been recruited or used in hostilities abroad.

11. **The Committee recommends that the State party systematically collect data on the nationality, region and ethnicity of the children subject to the national defence obligation and establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee, migrant and unaccompanied children entering the State party who may have been recruited or used in hostilities abroad.**

IV. Prevention

Military education

12. The Committee notes that children from the age of 7 years may participate in the voluntary Estonian Defence League that functions under the auspices of the Ministry of Defence. The Committee is concerned that, despite the prohibition in the Estonian Defence League Act to provide and organize military training for its junior members, the activities of the League may, in practice, include the participation of children in handling firearms. It is also concerned at the lack of an independent complaints mechanism for children in the Estonian Defence League.

13. **The Committee recommends that the State party take measures to ban the handling of firearms for children under the age of 18 years, in general, and in the Estonian Defence League, in particular, and establish a system to regularly monitor the Estonian Defence League programme to ensure that its curriculum and teaching personnel comply with the provisions of the Optional Protocol. The Committee also recommends that the State party establish an independent complaints mechanism for children in the Estonian Defence League.**

V. Prohibition and related matters

Extraterritorial jurisdiction

14. The Committee notes as positive the amendment to article 1023 of the Penal Code, which entered into force on 1 January 2015, criminalizing the recruitment of children in the armed forces or their engagement in acts of war. The Committee is, however, concerned that the penal law of Estonia only applies to acts committed outside the territory if such act constitutes a criminal offence pursuant to the penal law of Estonia and that such acts are punishable at the place of commission of the act or if no penal power is applicable at the place of commission of the act. Furthermore, the penal law applies to acts committed against a citizen of Estonia or a legal person registered in Estonia or if the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act or if the offender is an alien who has been detained in Estonia and is not extradited.

15. **The Committee recommends that the State party ensure the criminalization of offences committed under the Optional Protocol outside of Estonia without the criterion of double criminality.**

Measures adopted to protect the rights of child victims

16. The Committee is concerned about the insufficient mechanisms in place to identify, at an early stage, refugee, asylum-seeking, migrant and unaccompanied children entering the State party who may have been recruited or used in hostilities abroad.

17. **The Committee recommends that: (a) the State party put in place mechanisms to identify, at an early stage, refugee, asylum-seeking, migrant and unaccompanied children coming from countries where there are or have been armed conflicts who may have been involved in hostilities; (b) ensure that the personnel responsible for such identification is trained in children's rights, child protection and child-friendly interviewing skills; and (c) develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration.**

VI. International assistance and cooperation

International cooperation

18. **The Committee recommends that the State party continue its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities for the implementation of the Optional Protocol.**

VII. Follow-up and dissemination

19. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to Parliament, relevant ministries, in particular the Ministry of Defence and the Supreme Court, and local authorities, for appropriate consideration and further action.**

20. **The Committee recommends that the report and written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

VIII. Ratification of the Optional Protocol on a communications procedure

21. **The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on the Rights of the Child on a communications procedure.**

IX. Next report

22. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention, to be submitted in accordance with article 44 of the Convention.**